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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YANJUN OUYANG,

Plaintiff,

-against-

ALEJANDRO MAYORKAS in his official capacity as Secretary of the U.S. Department of Homeland Security, UR M. JADDOU in her official capacity as Director, US Citizenship and Immigration Services, and PATRICIA MENGES, in her official capacity as Director, USCIS New York City Asylum Office,

Defendants.

1:22-cv-3523-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on May 1, 2022. [ECF No. 1]. On August 2, 2022, this Court issued an Order directing Plaintiff to serve the summons and Complaint on Defendants on or before September 1, 2022. [ECF No. 2]. The Court warned that if service had not been made by that date, and if Plaintiff failed to show cause why service has not been made, the Complaint would be dismissed for failure to prosecute. [ECF No. 2]. To date, Plaintiff has not filed proof of service or otherwise taken any action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **October 3, 2022**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: September 2, 2022
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge